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July 22, 2022

National FOIA Office  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW (2310A)  
Washington, DC 20460

RE: *Barbara Akins; Dorothy Byrd; Richard Byrd; and Raymond Randolph Byrd, Jr. v. Arkansas Gravel Company, Inc.; Frederick E. Bradshaw (a/k/a Fred Bradshaw or Freddie Bradshaw); Irene Bradshaw; and NuStar Pipeline Operating Partnership LP*  
Calhoun County Circuit Court No. 07CV-22-11  
Claim No.: 229074  
Our File No.: 0170-161271

Dear Custodian of Records:

Under the **Freedom of Information Act**, I am requesting an opportunity to inspect or obtain copies of public records as follows:

A copy of the complete file from Special Agent Brett Spiers' investigation of Charles Nelson Martin's puncture of NuStar Pipeline's ammonia pipeline in Calhoun County, Arkansas on September 23, 2021. There are more details of the incident in the enclosed Arkansas Probable Cause Affidavit.

The federal Freedom of Information Act requires a response within twenty (20) business days. If access to the records I am requesting will take longer, please contact me with information about when I might expect copies or the ability to inspect the requested records.

If you deny any and/or all of the requested information, please cite each specific exemption you feel justifies the refusal to release the information and notify me of the appeal procedures available to me under the law.



If there are any fees for searching or copying these records, this office will gladly make payment. Thank you for considering this firm's request.

Very truly yours,

**/s/ Stephen A. Hester**

Stephen A. Hester

SAH:gb

Enclosure:     Arkansas Probable Cause Affidavit



FILED  
CALHOUN COUNTY, ARK.

JAN 18 2022

JENNIFER B. CLARK  
CLERK

07 CR-22-1

## PROBABLE CAUSE AFFIDAVIT

ACCUSED PARTY OR PARTIES: Charles Nelson Martin

On October 29, 2021 Chief Deputy Daniel Foster and EPA Criminal Investigator Brett Spiers made contact with Charles Martin at the Calhoun County Sheriff's Office. An audio and video recording was initiated at this time and Martin was read his maranda rights and questioned about the incident that happened on September 23, 2021. Martin stated that on this day he was operating the Hyundai excavator and they were in the north 40 acre section of the property stripping the land to dig for gravel. Martin stated that he had a meeting with Irene Bradshaw and Freddie Bradshaw Jr. about stopping the stripping and digging test holes in the area. Irene stated that they should dig test holes in this particular area and may even test the haul road that they were on at the time. Martin and Freddie Jr. started digging their test holes in the area they were assigned. Martin was directly in front of Freddie Jr. digging his test holes starting on the north end and moving south. Martin dug 2 test holes and tracked south to the main haul road. Instead of staying in that area and going back to the haul road they were assigned to be on, Martin tracked approximately 0.3 miles straight west towards the ponds where the pipeline was located. Martin stated that he was not directed by Irene or any other person to go to that area he was just trying to find gravel. Once Martin got to the area of the pipeline his machine was facing south and he turned the boom to the west and started digging across the pipeline. After digging approximately 3 buckets wide across the pipeline the teeth on the bucket punctured the pipeline. Martin stated he then turned the machine to the north and started to track away from the rupture and jumped off of the excavator. He then started running back towards the location he originally started digging in and Freddie Jr. told him to get on the Dozer and push them out a road to the gravel since their north exit was blocked by the rupture. After Martin pushed out the road both individuals left the scene. The pipeline company NuStar was contacted and the pipeline was shut down. Once the scene was clear the pipeline company started extracting the section of pipe approximately 10 feet in length and evidence was found that the pipe was struck at least 2 times before it was punctured. When Martin was asked if he knew the pipe was struck at least 2 other times he stated that he did not feel his bucket hit the pipe until the tooth punctured it. When asked if he knew the pipeline was in that location Martin stated that he knew there was a pipeline on the property but he thought it was back towards the plant. When shown pictures of the pipeline markers directly behind him across the haul road he stated that he had never paid attention to the location of the pipeline markers but when he punctured the pipeline he stated that he saw the pipeline marker directly behind him at that time. Martin then stated again that it was his fault that the pipeline was punctured and no one had ordered him or coerced him into going to that area and digging close to the pipeline or to rupture it. Martin was then advised that there was a valid signed warrant for his arrest for the charge of Arkansas Water and Air Pollution Control Act Statute number 8-4-103. He was then placed into custody and held for a first appearance.

[Signature] C2

AFFIANT

10/29/21

Date

Subscribed and sworn to before me, an officer empowered to administer oaths, this

29 day of OCTOBER, 2021.

Jon Wynne

JUDGE

**SR** SPICER | RUDSTROM PLLC  
ATTORNEYS AT LAW • EST. 1963

414 Union Street, Suite 1700, Nashville, TN 37219



FCL-156D-231

NASHVILLE TN 370  
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